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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,057	07/17/2006	Durand Roland	022702-152	6176

21839 7590 06/26/2008
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

SANDERS, KRIELLION ANTONETTE

ART UNIT	PAPER NUMBER
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1796

NOTIFICATION DATE	DELIVERY MODE
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06/26/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/562,057	Applicant(s) ROLAND ET AL.	
	Examiner Kriellion A. Sanders	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 17-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17-23, and 25 -32 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bianchi et al., WO 02/02696, (US Patent Publication 2004/0087734 will be used as an English equivalent).
4. Bianchi et al discloses a thermoplastic polymer composition comprising a polyamide and at least one compound for modifying the hydrophilicity and/or the antistatic behaviour of the compound, characterized in that the compound is a block polymer represented by formula (I) as depicted in the patent. See paragraph [0011].

The compositions, apart from the modifier, may include other additives such as delustrants, coloured pigments, heat or light stabilizers, heat protection agents, antimicrobial agents, antisoiling agents or the like. This list is in no way exhaustive. The compositions may, in particular, contain a delustrant consisting of titanium dioxide particles possibly coated so as to

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protect the polymer from degradation in contact therewith. The titanium dioxide may be used by itself or in combination with other delustrants. The proportion by weight of delustrant in the compositions may be up to a few percent. For example, it is between 0.2 and 0.5% for an effect called "semi-dull", between 0.5 and 1% for an effect called "dull" and between 1% and 2% for an effect called "fully dull". To obtain a level of mattness regarded as significant, the weight concentration is generally greater than 0.7%. Patent indicates that it is also possible to use zinc sulphide particles as a delustrant, or else a titanium dioxide/zinc sulphide mixture.

The thermoplastic polymer may be a polyamide. The polyamide of the composition may be chosen from nylon-6, nylon-6,6, nylon-4,6, nylon-6,10, nylon-11, nylon-12 and blends and copolymers based on these polymers.

The invention also relates to the yarns, fibers and filaments obtained by spinning a composition described above. These may be continuous textile yarns intended to be woven or knitted, BCF yarns used for the manufacture of carpets, flock cables intended to be cut into very short fibres for flocking, fibers used for the production of staple fiber yarns, or non-woven surfaces. See paragraphs [0041-0045].

No patent able difference is readily ascertained between the present and patented inventions.

5. Claims 17-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/02696 as applied to claims 1-34 above, (US Patent Publication 2004/0087734 will be used as an English equivalent).

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6. Patentee indicates in paragraph [0041 that the weight percent of the delustrants may be up to a few percent. Patentee indicates that the percentage of delustrant has a direct effect on the dullness of the composition. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to determine the best weight percentage of delustrant to achieve the desired effect. Likewise, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to determine the best ratio of delustrants when used in combination to achieve the desired results. The various species of delustrants are equated by patentee and would be expected to possess similar properties.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kriellion A. Sanders whose telephone number is 571-272-1122. The examiner can normally be reached on Monday through Thursday 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kriellion A. Sanders/

Primary Examiner, Art Unit 1796

Kriellion A. Sanders
Primary Examiner
Art Unit 1796

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